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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Bo Tang,) Case No. C 07-0683 JF
Plaintiff,)
v.)
Michael Chertoff, Secretary of the)
Department of Homeland Security;)
Defendant.)
STIPULATION TO RESCHEDULE
SUMMARY JUDGMENT HEARING
DATE; AND [PROPOSED] ORDER

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorney of record, hereby stipulate, subject to approval of the Court, to a new Summary Judgment Hearing date in the above-entitled action in light of the following:

1. On July 17, 2007, the Court granted the parties' stipulation to hold this case in abeyance because the Department of State no longer had any visas available for the month of August.

2. On or around August 15, 2007, the State Department issued *Visa Bulletin for*

1 September 2007, indicating that the visas will become available for the month of September
2 (**Exhibit 1**). According to the *Visa Bulletin for August 2007*, visas are expected to remain
3 available through October 2007 (**Exhibit 2**).

4 3. Therefore, the parties respectfully request a new Summary Judgment Hearing date of
5 October 12, 2007 at 9:00 AM.

6 4. Additionally, in the interest of judicial economy and for the convenience of the parties,
7 the parties respectfully request that the Status Conference for this case, currently scheduled for
8 November 9, 2007, be held at the same time as the summary judgment hearing on October 12,
9 2007.

10 The parties filed their cross motions for summary judgment on June 22, 2007. The parties
11 reply motions are now due on September 28, 2007.

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15 Respectfully Submitted,

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17 Dated: August 21, 2007

18 _____ /s/
19 Justin G. Fok
20 Law Offices of Jean D. Chen
21 Attorney for Plaintiff

22 Dated: August 22, 2007

23 _____ /s/
24 Ila C. Deiss
25 Assistant United States Attorney
26 Attorney for Defendants

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Case No. C 07-0683 JF

**STIPULATION TO RESCHEDULE SUMMARY JUDGMENT HEARING DATE; AND
[PROPOSED] ORDER**

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 9/4/07

JEREMY FOGL
United States District Judge